

Richard-Enrique; Ulloa, Sui Juris, unrepresented
RR1 peek farms
c/o postal department 771
Stone Ridge, New York republic
non-domestic, Without the U.S. [12484]

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

SEP 10 2010

LAWRENCE K. BAERMAN, CLERK
ALBANY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,) CASE # 1:10-CR-0321 (TJM)
Plaintiff,)
v.) Notice &
RICHARD ENRIQUE ULLOA,) MOTION for a
Defendant.) More Definite Statement
on 28 U.S.C. 3002 &
28 U.S.C. 564
Memorandum of Law

MOTION FOR A MORE DEFINITE STATEMENT ON 28 U.S.C. 3002

& 28 U.S.C. 564

I Richard-Enrique; Ulloa, am a sovereign, sui juris, free white man, a follower of Yahshua the Messiah in the laws of The Almighty Supreme Creator, Yahvah first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported

by your Federal Public Law 97-280, 96 Stat. 1211. Appear by special visitation and not appearing generally, as a Secured Party Creditor, and Sui Juris, before this court. I have personal knowledge of the matters stated herein, am over the age of majority, and hereby asseverate understanding the liabilities presented in your Briscoe v LaHue, 460 US 325.

“Allegations such as those asserted by petitioner, (a pro se litigant), however inadvertently pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioner’s allegations, we conclude that he is entitled to an opportunity to offer proof.” **Haines v. Kerner**, 404 U.S. 519, 522

Richard-Enrique; Ulloa, a Secured Party creditor, and reserving his rights “without prejudice” under the New York state Uniform Commercial Code 1-308, and UCC Articles 1 to 13, Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever hereby affirms;

I submit this MOTION for and into the record that all statements and or documents and or Exhibits are submitted in support, are true and that I have firsthand knowledge of all the facts in all these documents.

Let it be known to all, on and for the record, and via this MOTION
and all others that I do not represent myself, I am myself, and reserve
all my rights including but not limited to my right to assistance of
counsel.

It is clear that in 28 USC 3002 (1) (A) defines a United States attorney for the United States Federal Corporation. So who is the UNITED STATES OF AMERCIA?

It is again clear that 28 USC 3002 (1) (B) defines a private attorney within 31 USC 3718 and does not apply to this United States attorney, since it does not seem to me right now that he is collecting a debt.

1 It is clear that in 28 USC 3002 (2) it defines a Court as any court created by Congress.

2 It is clear that in 28 USC 3002 (3), (4), (5), (6), (7), (8) and (9) it defines Debt Debtor
3 and items associated to Debt and does not define the UNITED STATES OF AMERICA
4 or define WHO is the Plaintiff?.

5 It is clear that 28 USC 3002 (10) it defines a “Person” as an individual, or a
6 corporation, or entities, but it never defines the Plaintiff, WHO is the Plaintiff?

7 It is VERY clear in section 28 USC (14) when it defines “State”, it does not mean
8 New York State or any of the 50 united States of America, it defines “the several States,
9 the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the
10 Northern Marianas, or any territory or possession of the United States”. So WHO is the
11 UNITED STATES OF AMERICA, how does it have Jurisdiction?

12 In section 28 USC 3002 (15) (A), (B),(C), it defines the United States in (a) as a
13 Federal Corporation (Private Corporation listed on Dun and Bradstreet), (b) “an agency,
14 department, commission, board, or other entity of the United States; or” (c) “an
15 instrumentality of the United States. “. So where is the UNITED STATES OF AMERICA
16 defined, WHO is the UNITED STATES OF AMERICA? WHERE is it defined? What
17 does it mean? WHO is this Plaintiff and what jurisdiction does it have to bring suit in and
18 for the private Federal Corporation defined in 28 USC 3002?

19 A more definite statement and ruling is required in order to proceed.
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23 In 28 USC 3002 (16), it defines a United States marshal, as “United States marshal
24 means a United States marshal, a deputy marshal, or an official of the United States
25 Marshals Service designated under section 564.” But the real definition is in Title 28
26 Part II, Chapter 37, and Section 564. It defines a United States marshal as “United States
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1 marshals, deputy marshals and such other officials of the Service as may be designated
 2 by the Director, in executing the laws of the United States within a State, may exercise
 3 the same powers which a sheriff of the State may exercise in executing the laws thereof."

4 It is clear that a United States marshal only has powers to execute the laws of the
 5 United States within a State.... Within a State... As it was defined in 28 USC 3002
 6 Section 14 a State is "the several States, the District of Columbia, the Commonwealth of
 7 Puerto Rico, the Commonwealth of the Northern Marianas, or any territory or possession
 8 of the United States". So we know that currently this court is not in the District of
 9 Columbia, or the Commonwealth of Puerto Rico, the Commonwealth of the Northern
 10 Marianas, and it is not in any territory or possession of the United States. That one leaves
 11 the "several States".

13 One would logically assume that the "several States" means, Alaska, ... New York,
 14 New Jersey, Hawaii, California and the rest of the 50 united States. But it does NOT.

15 "Several States" according to Professor Randy E. Barnett is part of the commerce
 16 clause and in his article "The Original Meaning of the Commerce Clause", he clearly
 17 states and I quote, "The U.S. Supreme Court, in recent cases, has attempted to define
 18 limits on the Congress's power to regulate commerce among the several states. While
 19 Justice Thomas has maintained that the original meaning of "commerce" was limited to
 20 the "trade and exchange" of goods and transportation for this purpose, some have
 21 argued that he is mistaken and that "commerce" originally included any "gainful
 22 activity." Having examined every appearance of the word "commerce" in the records of
 23 the Constitutional Convention, the ratification debates, and the Federalist Papers,
 24 Professor Barnett finds no surviving example of this term being used in this broader
 25 sense. In every appearance where the context suggests a specific usage, the narrow
 26 sense. In every appearance where the context suggests a specific usage, the narrow
 27 sense. In every appearance where the context suggests a specific usage, the narrow
 28 sense. In every appearance where the context suggests a specific usage, the narrow

1 meaning is always employed. Moreover, originalist evidence of the meaning of "among
 2 the several States" and "To regulate" also supports a narrow reading of the Commerce
 3 Clause. "Among the several States" meant between persons of one state and another; and
 4 "To regulate" generally meant "to make regular"-that is, to specify how an activity may
 5 be transacted-when applied to domestic commerce, but when applied to foreign trade
 6 also included the power to make "prohibitory regulations." In sum, according to the
 7 original meaning of the Commerce Clause, Congress has power to specify rules to
 8 govern the manner by which people may exchange or trade goods from one state to
 9 another, to remove obstructions to domestic trade erected by states, and to both regulate
 10 and restrict the flow of goods to and from other nations (and the Indian tribes) for the
 11 purpose of promoting the domestic economy and foreign trade."

13
 14 Remedy: I Motion this court to provide a definite statement as to;

15 WHO is the Plaintiff?

16 What Jurisdiction does the Plaintiff have to sue?

17 Does it even have jurisdiction?

18 How was the Plaintiff UNITED STATES OF AMERICA damaged?

19 How does the United States the Federal Corporation as defined in 28 USC 3002 relate
 20 to the UNITED STATES OF AMERICA?

21 If the United States is a Federal Corporation why is the UNITED STATES OF
 22 AMERICA suing?

23 How can the United States attorney general represent the UNITED STATES OF
 24 AMERICA, when the UNITED STATES OF AMERICA is not the Federal Corporation
 25 he works for?

1 Is the US attorney suing in a private capacity?

2 Where is the real party in interest? Is it the UNITED STATES OF AMERICA OR the
3 United States Federal Corporation?

4 Unless we know WHO the Plaintiff is this cause cannot move forward.

5
6 I am not an expert in the law however I do know right from wrong. If there is any
7 human being damaged by any statements herein, if he will inform me by facts I will
8 sincerely make every effort to amend my ways. I hereby and herein reserve the right to
9 amend and make amendment to this document as necessary in order that the truth may be
10 ascertained and proceedings justly determined. If the parties given notice by means of
11 this document have information that would controvert and overcome this Affidavit,
12 please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt
13 hereof providing me with your counteraffidavit, proving with particularly by stating all
14 requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate
15 facts or conclusions of law, that this Affidavit Statement is substantially and materially
16 false sufficiently to change materially my status and factual declarations. Your silence
17 stands as consent to, and tacit approval of, the factual declarations herein being
18 established as fact as a matter of law. May the will of our Heavenly Father Yahvah,
19 through the power and authority of the blood of His Son Yahshua be done on Earth as it
20 is in Heaven.

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22 I pray to our Heavenly Father and not this court that justice be done.

23
24 **Reserving ALL Natural God-Given Unalienable Birthrights,**
25 **Waiving None, Ever,**
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28 USC §1746

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 USC §1746

Signed on this the thirtieth day of the sixth month in the year of our Lord and
Savior two thousand ten.



Richard-Enrique; Ulloa
Sui Juris, unrepresented

Date: September 7, 2010

MEMORANDUM OF LAW

Point 1 - In 28 U.S.C. § 3002, which is the definition of the United States, there is no evidence as to WHO is the UNITED STATES OF AMERICA and where it derives its authority or jurisdiction to file this indictment, or be represented by the United States attorney, who works only for the United States Federal Corporation.

§ 3002. Definitions

As used in this chapter:

(1) "Counsel for the United States" means—

(A) a United States attorney, an assistant United States attorney designated to act on behalf of the United States attorney, or an attorney with the United States Department of Justice or with a Federal agency who has litigation authority; and

(B) any private attorney authorized by contract made in accordance with section 3718 of title 31 to conduct litigation for collection of debts on behalf of the United States.

(2) "Court" means any court created by the Congress of the United States, excluding the United States Tax Court.

(3) "Debt" means—

(A) an amount that is owing to the United States on account of a direct loan, or loan insured or guaranteed, by the United States; or

(B) an amount that is owing to the United States on account of a fee, duty, lease, rent, service, sale of real or personal property, overpayment, fine, assessment, penalty, restitution, damages, interest, tax, bail bond forfeiture, reimbursement, recovery of a cost incurred by the United States, or other source of indebtedness to the United States, but that is not owing under the terms of a contract originally entered into by only persons other than the United States;

1 and includes any amount owing to the United States for the benefit of an Indian tribe
2 or individual Indian, but excludes any amount to which the United States is entitled
3 under section 3011 (a).

4 (4) "Debtor" means a person who is liable for a debt or against whom there is a claim
5 for a debt.

6 (5) "Disposable earnings" means that part of earnings remaining after all deductions
7 required by law have been withheld.

8 (6) "Earnings" means compensation paid or payable for personal services, whether
9 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
10 payments pursuant to a pension or retirement program.

11 (7) "Garnishee" means a person (other than the debtor) who has, or is reasonably
12 thought to have, possession, custody, or control of any property in which the debtor has a
13 substantial nonexempt interest, including any obligation due the debtor or to become due
14 the debtor, and against whom a garnishment under section 3104 or 3205 is issued by a
15 court.

16 (8) "Judgment" means a judgment, order, or decree entered in favor of the United
17 States in a court and arising from a civil or criminal proceeding regarding a debt.

18 (9) "Nonexempt disposable earnings" means 25 percent of disposable earnings,
19 subject to section 303 of the Consumer Credit Protection Act.

20 (10) "Person" includes a natural person (including an individual Indian), a
21 corporation, a partnership, an unincorporated association, a trust, or an estate, or any
22 other public or private entity, including a State or local government or an Indian tribe.
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1 (11) "Prejudgment remedy" means the remedy of attachment, receivership,
2 garnishment, or sequestration authorized by this chapter to be granted before judgment
3 on the merits of a claim for a debt.

4 (12) "Property" includes any present or future interest, whether legal or equitable, in
5 real, personal (including choses in action), or mixed property, tangible or intangible,
6 vested or contingent, wherever located and however held (including community property
7 and property held in trust (including spendthrift and pension trusts)), but excludes—

8 (A) property held in trust by the United States for the benefit of an Indian tribe or
9 individual Indian; and

10 (B) Indian lands subject to restrictions against alienation imposed by the United
11 States.

12 (13) "Security agreement" means an agreement that creates or provides for a lien.

13 (14) "State" means any of the several States, the District of Columbia, the
14 Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, or any
15 territory or possession of the United States.

16 (15) "United States" means—

17 (A) a Federal corporation;

18 (B) an agency, department, commission, board, or other entity of the United States; or

19 (C) an instrumentality of the United States.

20 (16) "United States marshal" means a United States marshal, a deputy marshal, or an
21 official of the United States Marshals Service designated under section 564.

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26 Point 2 – In 28 U.S.C. 564 the job of United States marshal is defined, very clearly
27 and it does not seem to allow the United States marshal's to operate within the 50 states
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of the United States, only the “several States”. The marshal’s are allowed the same power
 1 as the sheriff within the State, but State is defined as “any of the several States, the
 2 District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the
 3 Northern Marianas, or any territory or possession of the United States.” This DOES
 4 NOT mean New York or New York republic
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7 **§ 564. Powers as sheriff**

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 9 United States marshals, deputy marshals and such other officials of the Service as
 10 may be designated by the Director, in executing the laws of the United States within a
 11 State, may exercise the same powers which a sheriff of the State may exercise in
 12 executing the laws thereof.
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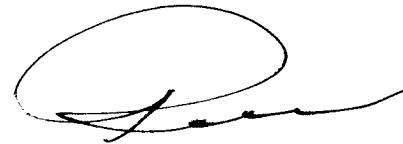
14
 15 Point 3 – The meaning of the “several States” is clearly defined in Professor Randy
 16 Barnett as “The U.S. Supreme Court, in recent cases, has attempted to define limits on
 17 the Congress's power to regulate commerce among the several states. While Justice
 18 Thomas has maintained that the original meaning of "commerce" was limited to the
 19 "trade and exchange" of goods and transportation for this purpose, some have argued
 20 that he is mistaken and that "commerce" originally included any "gainful activity."
 21 Having examined every appearance of the word "commerce" in the records of the
 22 Constitutional Convention, the ratification debates, and the Federalist Papers, Professor
 23 Barnett finds no surviving example of this term being used in this broader sense. In every
 24 appearance where the context suggests a specific usage, the narrow meaning is always
 25 employed. Moreover, originalist evidence of the meaning of "among the several States"
 26 and "To regulate" also supports a narrow reading of the Commerce Clause. "Among the
 27 and "To regulate" also supports a narrow reading of the Commerce Clause. "Among the
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1 *several States" meant between persons of one state and another; and "To regulate"*
2 *generally meant "to make regular"-that is, to specify how an activity may be transacted-*
3 *when applied to domestic commerce, but when applied to foreign trade also included the*
4 *power to make "prohibitory regulations." In sum, according to the original meaning of*
5 *the Commerce Clause, Congress has power to specify rules to govern the manner by*
6 *which people may exchange or trade goods from one state to another, to remove*
7 *obstructions to domestic trade erected by states, and to both regulate and restrict the*
8 *flow of goods to and from other nations (and the Indian tribes) for the purpose of*
9 *promoting the domestic economy and foreign trade. "*
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2 **Proof and Evidence of Service**
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5 *I, Richard-Enrique; Ulloa, declare that I served by filing one copy of the "MOTION ON DEFINITE
6 STATEMENT OF UNITED STATES OF AMERICA" by "hand-delivered by private carrier-service on
7 "USDC of Northern NY" sent by post-office-first class-mail AND OR CERTIFIED MAIL to the following:*
8

THOMAS A. CAPEZZA	USDC OF NORTHERN NY
Assistant U.S. Attorney Bar #503159	COURT CLERK
445 Broadway, Room 509	445 Broadway, Room 509
ALBANY, NEW YORK 12207	ALBANY, NEW YORK 12207
First class mail	First class mail

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10 
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12 Richard-Enrique; Ulloa
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14 September 7, 2010
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17 **NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL NOTICE TO**
18 **THE PRINCIPAL IS NOTICE TO THE AGENT**
19

A
LAW DICTIONARY,
ADAPTED TO THE
CONSTITUTION AND LAWS
OF THE
UNITED STATES OF AMERICA,
AND OF THE
SEVERAL STATES OF THE AMERICAN UNION;
WITH
REFERENCES TO THE CIVIL AND OTHER SYSTEMS
OF FOREIGN LAW.

By JOHN BOUVIER.

SECOND EDITION.

VOL. II.

PHILADELPHIA:
T. & J. W. JOHNSON, LAW BOOKSELLERS,
SUCCESSORS TO NICKLIN & JOHNSON,
No. 5 MINOR STREET.

1843.

"Entered according to Act of Congress" in the year one thousand eight hundred and thirty-nine,

By JOHN BOUVIER,
in the Clerk's Office of the District Court for the Eastern District of Pennsylvania.

"Entered according to Act of Congress" in the year one thousand eight hundred and forty-three,

By JOHN BOUVIER,
in the Clerk's Office of the District Court for the Eastern District of Pennsylvania.

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jury, who are to try and assess damages, on the issue, are also to assess damages against the defendant suffering judgment by default. Lee's Dict. h. t.

UNILATERAL CONTRACT, civil law. When the party to whom an engagement is made, makes no express agreement on his part, the contract is called unilateral, even in cases where the law attaches certain obligations to his acceptance. Civ. Code of Lo. art. 1758; Code Nap. 1103; a loan of money, and a loan for use are of this kind. Poth. Obl. part. 1, c. 1, s. 1, art. 2; Lec. Elem. § 781.

UNINTELLIGIBLE. What cannot be understood. When a law, a contract, or will, is unintelligible, it has no effect whatever. Vide *Construction*, and the authorities there referred to.

UNIO PROLIUM. A species of adoption used among the Germans; it signifies *union of descent*. It takes place when a widower, having children, marries a widow, who also has children. These parents then agree that the children of both marriages shall have the rights to their succession, as those which may be the fruit of their marriage. Lec. Elem. § 187.

UNITED STATES OF AMERICA. The name of this country. The United States, now twenty-six in number, are Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia. The territory of which these states are composed was at one time dependent generally on the crown of Great Britain, though governed by the local legislatures of the country. It is not within the plan of this work to give a

history of the colonies, on this subject the reader is referred to Kent's Com. sect. 10; Story on the Constitution, Book 1; 8 Wheat. Rep. 543; Marshall, Hist. Colon.

The neglect of the British government to redress grievances which had been felt by the people, induced the colonies to form a closer connexion than their former isolated state, in the hopes that by a union they might procure what they had separately endeavoured in vain to obtain. In 1774, Massachusetts recommended that a congress of the colonies should be assembled to deliberate upon the state of public affairs; and on the fourth of September of the following year, the delegates to such a congress assembled in Philadelphia. Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia were represented by their delegates; Georgia alone was not represented. This congress, thus organised, exercised, *de facto* and *de jure*, a sovereign authority, not as the delegated agents of the governments *de facto* of the colonies, but in virtue of the original powers derived from the people. This, which was called the revolutionary government, terminated only when superceded by the confederated government under the articles of confederation, ratified in 1781. Serg. on the Const. Intr. 7, 8. The state of alarm and danger in which the colonies then stood induced the formation of a second congress. The delegates, representing all the states, met in May, 1775. This congress put the country in a state of defence, and made provisions for carrying on the war with the mother country; and for the internal regulations of which they were then in need; and on the fourth day of July, 1776, adopted and issued the Declaration

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of Independence, (q. v.) The articles of confederation, (q. v.) adopted on the first day of March, 1781, 1 Story on the Const. § 225; 1 Kent's Comm. 211, continued in force until the first Wednesday in March, 1789, when the present constitution was adopted. 5 Wheat. 420.

The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law.

The states, individually, retain all the powers which they possessed at the formation of the constitution, and which have not been given to congress, (q. v.)

Besides the states which are above enumerated, there are various territories, (q. v.) which are a species of dependencies of the United States. New states may be admitted by congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of congress. Const. art. 4, s. 3. And the United States shall guaranty to every state in this union, a republican form of government. Ib. art. 4, s. 4.

See the names of the several states; and *Constitution of the United States*.

UNITY, estates, is an agreement or coincidence of certain qualities in the title of a joint estate or an estate in common. In a joint estate there must exist four unities; that of *interest*, for a joint-tenant cannot be entitled to one period of duration or quantity of interest in lands, and the other to a different; one cannot be tenant for life, and the other for

years: that of *title*, and therefore, their estate must be created by one and the same act: that of *time*, for their estates must be vested at one and the same period, as well as by one and the same title; and, lastly, the unity of *possession*: hence joint-tenants are seized *per my et per tout*, or by the *half* or *moyety* and by *all*; that is, each of them has an entire possession, as well of every *parcel* as of the *whole*. 2 Bl. Com. 179-182; Co. Litt. 188. Coparceners must have the unities of interest, title, and possession. In tenancies in common, the unity of possession is alone required. 2 Bl. Comm. 192. Vide *Estate in Common*; *Estate in Joint-tenancy*; *Joint-tenants*; *Tenant in Common*; *Tenants, Joint*.

UNITY OF POSSESSION. This term is used to designate the possession by one person of several estates or rights. For example, a right to an estate to which an easement is attached, or the dominant estate, and estate which an easement encumbers, or the servient estate, in such case the easement is extinguished, 3 Mason, Rep. 172; Poth. 166; Latch, 153; and vide Cro. Jac. 121. But a distinction has been made between a thing that has being by prescription, and one that has its being *ex jure naturæ*; in the former case unity of possession will extinguish the easement, in the latter, for example, the case of a water-course, the unity will not extinguish it. Poth. 166. By the civil code of Louisiana, art. 801, every servitude is extinguished, when the estate to which it is due, and the estate owing it, are united in the same hands. But it is necessary that the whole of the two estates should belong to the same proprietor; for if the owner of one estate only acquires the other in part or in common with another person, confusion does not take effect. Vide *Merger*.